

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CRIMINAL ACTION NO: 2:14CR5-KS-MTP

RODERICK EDWARDS, JR.

DEFENDANT

**TRANSCRIPT OF SENTENCING HEARING**

BEFORE HONORABLE KEITH STARRETT  
UNITED STATES DISTRICT JUDGE

SEPTEMBER 15, 2014  
HATTIESBURG, MISSISSIPPI

COURT REPORTER:

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APPEARANCES:

REPRESENTING THE GOVERNMENT:

JOHN MEYNARDIE, ESQUIRE  
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REPRESENTING THE DEFENDANT:

CLARENCE GUTHRIE, ESQUIRE  
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*Pr*  
*PSR*

1           **THE COURT:** We have on the calendar this morning  
2 first case number 2:14cr5, United States versus Roderick  
3 Edwards. What says the government?

4           **MR. MEYNARDIE:** The government is ready, Your Honor,  
5 and we have the signed agreed preliminary order of forfeiture.

6           **THE COURT:** All right. If you will pass that to the  
7 clerk, please, if you will accept this for filing, please,  
8 ma'am. What says the defendant in this case?

9           **MR. GUTHRIE:** Ready, Your Honor.

10          **THE COURT:** Come forward with your client, please,  
11 sir.

12          **MR. GUTHRIE:** Yes, sir.

13          **THE COURT:** I understand congratulations are in order  
14 for you, Mr. Guthrie.

15          **MR. GUTHRIE:** Oh, yes, sir. I guess.

16          **THE COURT:** Well, I think so. I think they are in  
17 order. Congratulations.

18          **MR. GUTHRIE:** Thank you.

19          **THE COURT:** Are there objections to the presentence  
20 report from the government?

21          **MR. MEYNARDIE:** No, Your Honor.

22          **THE COURT:** From the defendant? I know there have  
23 been some filed. Is there anything further you want to say,  
24 Mr. Guthrie?

25          **MR. GUTHRIE:** Your Honor, I want to make sure -- I

1 didn't get a response. I saw where some people had read it,  
2 but the sentencing memorandum that I submitted on Friday  
3 morning via e-mail to the Court and to the government and to  
4 the probation officer.

5 **THE COURT:** I read it and have considered it this  
6 morning.

7 **MR. GUTHRIE:** Okay, Your Honor.

8 **THE COURT:** Is there anything further that the  
9 government wants to say in response to the objections, Mr.  
10 Meynardie?

11 **MR. MEYNARDIE:** There isn't, Your Honor, although we  
12 are prepared to put a witness on if the Court feels that's  
13 necessary. Some of the objections I don't think make any  
14 difference. And so -- although on the leader/organizer  
15 objections, I think it may be worthwhile to put a witness on.  
16 The question about whether he was formally a Black Gangster  
17 Disciple, I don't think makes any difference. I think they  
18 have conceded, although Cornelius Smith may have said there was  
19 90 kilograms, they have conceded the probation officer is  
20 correct that it is between 15 and 50, so I don't think we need  
21 anything there. But on the organizer/leader, that's still  
22 open. And I think the issue about his arrest has no bearing  
23 either back in --

24 **THE COURT:** The organizer/leader is an issue that I  
25 have, Mr. Meynardie. I would like to hear some proof on that



1 because the difference between zero, three or four points is  
2 significant to this defendant. If you would call your witness,  
3 please.

4 **MR. MEYNARDIE:** All right. I call Don Penny, Your  
5 Honor.

6 **THE COURT:** Mr. Penny, if you would come around and  
7 be sworn, please.

8 **DON PENNY**

9 was thereupon called as a witness, and, having been duly sworn,  
10 testified as follows:

11 **DIRECT EXAMINATION**

12 **THE COURT:** Be seated, please, Mr. Penny, and speak  
13 into the microphone loudly enough to be heard. Proceed, Mr.  
14 Meynardie.

15 **BY MR. MEYNARDIE:**

16 Q. Would you state your name, please?

17 A. Donald Penny, P-E-N-N-Y.

18 Q. And for whom are you employed?

19 A. Drug Enforcement Administration.

20 Q. And how long have you been a DEA agent?

21 A. A little over 23 years.

22 Q. Agent Penny, I don't want to go through the entire case  
23 just to get to this one point, but let's -- just briefly, this  
24 case began how?

25 A. It began as an investigation into Black Gangster Disciple



1 individuals that were identified as distributing cocaine and  
2 crack cocaine in Hattiesburg, Mississippi.

3 Q. Let me focus you a little bit closer to -- there was a  
4 Title III wire tap in Bogalusa. Is that correct?

5 A. That's correct.

6 Q. Who was that on?

7 A. That was on an individual named Steven Haynes.

8 Q. All right. And so agents in the Bogalusa area were  
9 listening to Haynes' phone; is that correct?

10 A. That's correct.

11 Q. Did they, in fact, intercept Mr. Edwards?

12 A. Yes, they did.

13 Q. What did that part of the investigation tell us about what  
14 Mr. Edwards was doing here in the Lumberton/Hattiesburg area?

15 A. They identified Roderick Edwards as the source of supply  
16 for Mr. Haynes, and Mr. Haynes was a distributor in the  
17 Bogalusa, Louisiana area, with a pretty substantial network  
18 underneath him.

19 Q. In terms of individuals that were involved in this  
20 conspiracy, and I don't want you to necessarily tell us all of  
21 them, were there more than five, or five or more?

22 A. Yes, there were.

23 Q. Can you give us five names, including Mr. Edwards? He  
24 would count as one of the five.

25 A. Well, Demarco Lewis and Cornelius Smith, and Mr. Haynes,

1 he had mentioned, and his courier, Mr. Bridges, and then there  
2 was a number of people here in the Hattiesburg area, Steven  
3 Buckley, Jabarish Jordan, Dale Young.

4 Q. All involved in the distribution of cocaine within this  
5 group?

6 A. That's correct.

7 Q. All right. Now, within this group, what was the role that  
8 Mr. Edwards played?

9 A. He was the source of supply. We have identified an  
10 individual above him, but he was a supplier of cocaine to  
11 several people in the Hattiesburg community. He was over two  
12 individuals that acted as what we referred to as like a  
13 lieutenant, that being Demarco Lewis and Cornelius Smith.  
14 Those individuals stored cocaine at separate locations at their  
15 separate residences, and they actually distributed cocaine for  
16 Mr. Edwards, and the proceeds were collected back and then  
17 resupplied the money back to Roderick Edwards, a little bit  
18 different than if he was simply supplying them with the drugs  
19 and then they went out and operated independent. They actually  
20 stored, moved at his direction and sent proceeds back to  
21 Mr. Edwards.

22 Q. Were there phone calls suggesting that that was what was  
23 going on?

24 A. Yes, there were.

25 Q. In fact, we had a wire tap for some period of time on

1 Mr. Edwards' phone; is that right?

2 A. That's right.

3 Q. And in fact, he was directing Mr. Smith, is that right,  
4 Cornelius Smith?

5 A. That's correct. There were individuals that would call  
6 sometimes and order drugs -- attempt to order drugs to  
7 Mr. Edwards, and he would direct them to Cornelius Smith, to  
8 get with Cornelius to actually make the transaction.

9 Q. The same thing is true with Demarco Lewis, you said?

10 A. That's correct.

11 MR. MEYNARDIE: I tender the witness, Your Honor.

12 THE COURT: Cross-examination, Mr. Guthrie?

13 MR. GUTHRIE: I have no cross-examination, Your  
14 Honor.

15 THE COURT: Thank you, Mr. Penny. You may stand  
16 down. Do you have any other witnesses, Mr. Meynardie?

17 MR. MEYNARDIE: No, Your Honor.

18 THE COURT: Come forward with your client, please,  
19 Mr. Guthrie.

20 MR. GUTHRIE: Your Honor, may I be heard on this  
21 specific objection?

22 THE COURT: Yes, sir.

23 MR. GUTHRIE: Thank you. Your Honor, we admit and  
24 concede about the government's investigation in this. I've  
25 been presented with discovery and CDs and telephone calls and



1 things like that, and it's not -- and my initial objection to  
2 the presentence report said something about five people, and I  
3 really was just bringing that to everybody's attention. The  
4 original report simply said -- mentioned about three people,  
5 and then my client for a total of four.

6 Now, the guideline 3B1.1 -- let me make sure I have that  
7 right, Your Honor -- yes, 3B1.1 -- says that it would require  
8 my client to be an organizer or leader of a criminal activity  
9 that involved five or more participants or was otherwise  
10 extensive. Well, it's pretty easy in a drug conspiracy to find  
11 five or more participants. We have five codefendants in this  
12 case, but really the Court's inquiry has to be what my client,  
13 what Roderick Edwards' role in this was. Again, it's easy to  
14 find five participants, but what did he do in relation to that  
15 role?

16 And, of course, the addendum to the guideline says what  
17 this Court must consider and what the government has to show  
18 you by a preponderance of the evidence, and understanding the  
19 sentencing burden of proof is by a preponderance of the  
20 evidence, the exercise of decision-making authority, the nature  
21 of participation in the commission of the offense, the  
22 recruitment of accomplices, the claimed right to a larger share  
23 of the fruits, the degree of participation in planning or  
24 organizing, and the nature and scope of the illegal activity,  
25 and the degree of control and authority exercised over others.

1           We have heard, and again concede, that Roderick Edwards  
2 was saying when and where a lot in those conversations. What  
3 you haven't heard, Your Honor, is whether he demanded a larger  
4 share, all of the things that you think about in a drug  
5 conspiracy about determining the hierarchy.

6           Now, the agent simply getting up and saying, well, we  
7 think he is a lieutenant or a captain, but he wasn't -- and  
8 again, the names aren't important. The case law says that  
9 names like king pin or boss or things like that are not  
10 important.

11           What we are simply saying and what we've said twice we are  
12 saying again now, is that it is kind of a blurred line between  
13 is he a manager or is he an organizer or a leader. And it's  
14 very important when you are talking about levels that we are  
15 talking about. Each level counts. So is there enough for the  
16 language to label him an organizer or a leader for four points  
17 or a manager for only three? Does the Court have enough  
18 information to label him in this hierarchy at all?

19           And we submit that although a couple of the things that  
20 the Court must consider have been covered, all of them are not.  
21 And so by a preponderance of the evidence, we are asking the  
22 Court to consider the three -- either zero levels or the three  
23 levels as a manager rather than the organizer or leader of this  
24 entire operation, Your Honor. And that's the nature of our  
25 objection.



1           **THE COURT:** Thank you, Mr. Guthrie. Any response,  
2 Mr. Meynardie?

3           **MR. MEYNARDIE:** Your Honor, I think Mr. Alexis has  
4 pretty much hit it on the head with his response. I don't  
5 always know the difference between an organizer/leader and a  
6 manager/supervisor. I think that he was clearly the leader of  
7 this organization and was managing people. I think the four  
8 level is probably appropriate.

9           **THE COURT:** All right. Thank you. The Court has  
10 heard testimony that is unrebutted regarding the fact that this  
11 man was not -- that there was someone higher than him in the  
12 organization but that he directed at least two, Mr. Smith and I  
13 think Mr. Haynes, who stored and did his bidding and sold  
14 illegal drugs. There is no question but that the requisite  
15 number of participants are involved in the organization. The  
16 evidence is sufficient by a preponderance of the evidence  
17 standard to establish that this man is a leader and an  
18 organizer, and the Court finds that the objection to the  
19 presentence report is not well taken and will be overruled.

20           Are there any other objections to the presentence report  
21 that need to be addressed? The others are confessed. The  
22 other objections to the presentence report are confessed. Any  
23 other objections, Mr. Guthrie?

24           **MR. GUTHRIE:** Well, I have told the Court that the  
25 government, at least based on what I've been told, that the



1 government will concur with us that the revocation time, the 60  
2 months that the Court ordered on June 19th, be run concurrent  
3 with the sentence that is about to be imposed, and I know the  
4 Court doesn't want to go on my word alone, but I just want to  
5 confirm that I was told that by the government. We are asking  
6 the Court to consider that. I briefed it in my memorandum,  
7 Your Honor, and I ask -- I just make another request that the  
8 Court consider that.

9 **THE COURT:** All right. Thank you. You brought that  
10 up originally, too, back when the revocation occurred.

11 **MR. GUTHRIE:** Yes, sir.

12 **THE COURT:** And I accept your representation. There  
13 is no objection from the government. All right. Mr. Alexis?

14 **PROBATION OFFICER:** May I approach, Your Honor?

15 **THE COURT:** Yes, Mr. Alexis.

16 **(BENCH CONFERENCE OFF THE RECORD)**

17 **THE COURT:** Mr. Alexis was correcting the guideline  
18 provisions. There's a typo on the report to me and should be  
19 changed from 262 to 263 as the sentencing range. Correct,  
20 Mr. Alexis?

21 **PROBATION OFFICER:** No, sir, it's not the sentencing  
22 range. It's actually what the recommendation itself was.

23 **THE COURT:** All right. Thank you. The Court finds  
24 that the objections to the presentence report, except for the  
25 one regarding leader and organizer, are sustained, and the

1 presentence report will be modified as stated. The presentence  
2 report will be -- as to the leader/organizer, the objection is  
3 overruled, and the leader or organizer will stand.

4 Other than stated, the Court accepts the presentence  
5 report as presented. The Court finds that there is a guideline  
6 range in this case of two -- it's a total offense level of 35,  
7 a criminal history category of III, a guideline range of 210 to  
8 262 months. The guidelines provisions recommend supervised  
9 release of five years. Probation is not an issue. Fine of  
10 \$20,000 to \$10 million, restitution is not applicable in this  
11 case, and a special assessment of \$100.

12 Both sides recognize that the guidelines are advisory and  
13 not mandatory. Are there any other 3553 factors that the  
14 government wishes the Court to consider, Mr. Meynardie?

15 **MR. MEYNARDIE:** There are, Your Honor, and if we  
16 could approach.

17 **(BENCH CONFERENCE OFF THE RECORD)**

18 **THE COURT:** Any other 3553(a) factors from the  
19 government?

20 **MR. MEYNARDIE:** Your Honor, the government is  
21 recommending the lower 25 percent of the applicable sentencing  
22 guideline range, and I will state for the record that we did  
23 have a conversation about concurrent sentence with the  
24 revocation. There were no promises made, but I did say that I  
25 would concur in that, and I do.



1           **THE COURT:** Thank you, Mr. Meynardie. Anything other  
2 3553(a) factors from the defendant, Mr. Guthrie?

3           **MR. GUTHRIE:** None of those factors, Your Honor. We  
4 do have a couple of witnesses, and of course my client would  
5 like to allocute this morning.

6           **THE COURT:** Yes, sir, that is fine. Any other 3553  
7 factors?

8           **MR. GUTHRIE:** No, Your Honor.

9           **THE COURT:** You want to put your witnesses on first  
10 or let the defendant speak? How would you like to proceed, Mr.  
11 Guthrie?

12           **MR. GUTHRIE:** We would like to call Ms. Edwards, Mary  
13 Edwards.

14           **THE COURT:** All right. Ms. Edwards, come forward,  
15 please. Be seated, if you would, Mr. Edwards.

16           Ms. Edwards, would you come around and take the witness  
17 stand here? Before you sit down, if you would place your left  
18 hand on the Bible, raise your right hand and let the clerk  
19 administer the oath.

20           (OATH ADMINISTERED)

21           **THE COURT:** Be seated, please, Ms. Edwards. Speak  
22 into the microphone loudly enough to be heard. Proceed,  
23 please.

24           **MR. GUTHRIE:** I wasn't planning on doing this with  
25 question and answer, Your Honor.



1 Ms. Edwards, would you please just tell the Court this  
2 morning the factors you think are appropriate in determining --  
3 for the Court to consider when determining a sentence in this  
4 case?

5 **MS. MARY EDWARDS:** Yes, Your Honor. My name is Mary  
6 Edwards. I'm asking you, if you have any mercy on my son,  
7 please consider it. I'm a woman of faith, and that's my only  
8 son I have in the world. I will be honest, the world stole  
9 him. The world stole him because of my faith. We have gone  
10 through so much. Your Honor, if you have any mercy on my son,  
11 because, Lord knows, we come -- he come from a good-standing  
12 family. I've always worked. I have always respected the law.  
13 I have always feared the law. And I taught my son, because I  
14 go back to the Bible where it says, "Train up a child in the  
15 way he should go, and when he grow old, he will not depart."  
16 And I believe that strongly, but when the world go after you,  
17 when the world comes after you, when the world tries to break  
18 you down with your faith -- and he didn't understand, but I'm  
19 being honest with you, Your Honor.

20 When he went to -- we didn't know anything about this in  
21 2009. I tried my best to tell my son the world had him. The  
22 world made it look like -- the world made it seem like, the  
23 world made him think that he was -- 2009, when he came up in  
24 this courtroom -- 2010, when he came in this courtroom, I  
25 prayed and I begged and I begged the Lord -- you did, you heard

1 the Lord, but I don't care how much I prayed, I don't care how  
2 much I begged, he had to see the Lord.

3 I'm telling you, Your Honor, when they got him January  
4 this year, from January to September, he had to find the Lord.  
5 He had to see the Lord. Now he know exactly what I'm talking  
6 about. The first time they kept moving, the world still had  
7 him. He come to Hattiesburg, he left Hattiesburg, went to  
8 Wiggins, he left Wiggins, he went to Texas -- he never stopped.  
9 These nine months he stopped. He had to hear the Lord. The  
10 Lord had to speak to him.

11 I'm a woman of faith. I taught my children. I took my  
12 son -- that's my only son that they got. If you have any kind  
13 of mercy, please -- I know I couldn't say that in 2010. I  
14 didn't get up here in 2010 because I knew he had to meet the  
15 Lord. He met the Lord. I can say honest, from the bottom of  
16 my heart, I come up here and I don't speak. My words is very  
17 important, and I don't speak unless I know. My son now, he  
18 know for himself. He is 31 years old.

19 Your Honor, I taught my children. Like I said, I done  
20 everything. I worked, I trained my children, but when the  
21 world gets ahold to you, when the world makes it seem like --  
22 when the world -- and I asked the Lord, I said, Lord, please,  
23 whatever you do, because I know how my father feels now when he  
24 gave his only begotten son. That's my only son that I got. I  
25 never had the opportunity -- 15 minutes on that phone that me



1 and my son have connected, and Lord knows my heart. He been on  
2 my heart, and I knew one day God was going to give him back to  
3 me. And I'm just asking you, please, if you have it anywhere  
4 in your heart, please don't throw my son away. The world done  
5 had him. Just let me get him before I leave here. I thank  
6 you, Your Honor.

7 **THE COURT:** Thank you, Ms. Edwards. I respect the  
8 fact that you understood and have an appreciation of the fact  
9 that he was given a significant break back in 2010, when he was  
10 sentenced the first time. You do recognize that, don't you?

11 **MS. MARY EDWARDS:** Yes, I recognize that.

12 **THE COURT:** All right. Anything further, Mr.  
13 Guthrie?

14 **MR. GUTHRIE:** We would like to call Roderick Edwards,  
15 Sr.

16 **THE COURT:** All right. Ms. Edwards, you may stand  
17 down. Mr. Edwards, come around and be sworn, please. Before  
18 you sit down, place your left hand on the Bible, raise your  
19 right hand, and let the clerk administer the oath.

20 (OATH ADMINISTERED)

21 **THE COURT:** Be seated, please, Mr. Edwards, and speak  
22 into the microphone loudly enough to be heard. Proceed,  
23 please.

24 **MR. RODERICK EDWARDS, SR.:** Your Honor, I come before  
25 you this morning, and first of all, I want to thank you for



1 giving me the opportunity to speak. And I'm speaking on the  
2 behalf of my son, and not only my son but myself. I'm 55 years  
3 old, been working all my life, never been -- never been given  
4 nothing. Everything I've got, I earned it. But I'm coming  
5 before you. I realize the break that you gave my son back in  
6 2009 and 2010, and I greatly appreciated that.

7 One thing that I have learned here in the last several  
8 months, that talking to my son for the 15 minutes, that he  
9 uphold what he done. He know what he done is wrong. And I  
10 don't condone no wrongness from him or any of my other kids.  
11 But like my wife said, I come before you this day to ask you to  
12 please have mercy, have mercy on him.

13 I'm 55 years old, never had any dealings whatsoever with  
14 the law. And my son, just talking with him, he know that what  
15 he did is wrong. And he stands behind that since we have been  
16 talking in these last several months. He's a changed person.  
17 I know he is. And with the mercy of you and with the help of  
18 the Lord, I know without a shadow of a doubt, Your Honor, he  
19 will not face you again because he have been changed. What he  
20 done and the people that he's been around, I can assure that he  
21 has been convicted and he has been changed.

22 All I want to do is just say to the Court that I'm sorry  
23 for being here for two consecutive times. And I assure you,  
24 with the help of the Lord and his faith, we won't face you  
25 again, Your Honor, and I appreciate that. I appreciate your

1 time.

2 **THE COURT:** Thank you, Mr. Edwards. Mr. Guthrie?

3 **MR. GUTHRIE:** Your Honor, Roderick would like to say  
4 a few words, and then I would like to wrap it up.

5 **THE COURT:** All right. Proceed, Mr. Edwards.

6 **THE DEFENDANT:** Yes. I would like to apologize to  
7 the Court, to my family, and to all those who I've hurt in my  
8 involvement in this crime. I wasn't brought up in this kind of  
9 lifestyle, and I deeply regret the pain I have caused my mother  
10 and my father.

11 I know I stood here before you once, and I took my  
12 medicine. I served that sentence and got out and did good for  
13 awhile, Your Honor, but I got laid off from my job offshore,  
14 and my foolishness allowed myself to get back into something I  
15 knew was wrong. I realize that that's not an excuse, but that  
16 is what happened. I was weak and stupid. I was weak, and I  
17 was stupid. And if I could only go back and do it differently,  
18 I would.

19 All I can say is I have learned my lesson. I have learned  
20 my lesson, Your Honor, and I pray for the strength to get  
21 through this and prove to them and to this Court that this will  
22 never happen again.

23 I know what I got to do, and with the help of the Lord, I  
24 will. Any mercy showed to me would not be wasted, Your Honor.

25 **THE COURT:** Thank you, Mr. Edwards. Mr. Guthrie,



1 anything further?

2           **MR. GUTHRIE:** Yes, Your Honor. I want to -- I want  
3 to get a little bit personal with me, Your Honor. When I first  
4 started practicing law 15 years ago, and I remember I got up  
5 and I was defending somebody, and I told -- I told the Court, I  
6 said, this is my first criminal case, and blah, blah, blah, and  
7 please excuse blah, blah, blah. I said something like that.  
8 Well, my boss took me back after it was over, and he said, That  
9 was the dumbest thing you've ever said. Don't say that this is  
10 your first criminal case. That's nobody's business, and you  
11 probably caused a lot of anxiety when you said that.

12           Well, let me say this today. This is my last criminal  
13 case. This is my last one. I'm going to do something else.  
14 And I've had a lot. I've had a lot in 15 years. And this is  
15 one of the cases -- there's only been maybe a half dozen in the  
16 15 years that's caused me -- caused my heart to ache, and it's  
17 caused me discomfort. Otherwise, it's just been a profession.  
18 I've certainly gotten involved in my cases, but this is one of  
19 the ones that's caused me to ache because I've spent more time  
20 with Roderick's parents than I have with him. I mean, that's  
21 the nature of the business. You spend -- I mean, Roderick, my  
22 client, has been down here, and I've spent more time with his  
23 parents, and I have witnessed their hearts ache on behalf of  
24 their son.

25           And as I grew up with my parents, and now as I'm raising



1 kids, the bonds there are just -- are just extremely tight. So  
2 I see the pain that they are going through with this. And I  
3 see the pain -- and I'm telling you this, Your Honor, I see the  
4 pain that Roderick is going through because of the  
5 disappointment that he's caused his parents.

6 I have also witnessed a change in him in the past months  
7 that I've been involved. And I told them at the beginning of  
8 this case that this was going to be an extremely uphill battle  
9 because of this being the subsequent -- not state offense but  
10 subsequent federal offense in front of this same Court, and  
11 obviously, that was going to be a huge obstacle to overcome.

12 I will say that I told them, the whole family, that you  
13 have made decisions to this point that are affecting you, but  
14 all you can do from this day forward in February of 2014 is  
15 make good decisions from here forward. And they have, Your  
16 Honor. We've done everything that we can to set this case up  
17 legally, put it in the best position that it can be.

18 This is on Roderick, and he understands that, and he  
19 understands that what he has to do from here forward, and  
20 everything that's been said in this courtroom this morning is  
21 sincere. There's no doubt that he's accepting responsibility  
22 for this, and we certainly need those acceptance of  
23 responsibility points, but I really think that we've sincerely  
24 earned them.

25 There's other points that we've talked about in this, but

1 I can simply say that my client is ready to proceed forward  
2 with this from this day forward and live his life the way it  
3 needs to be lived based on what he's done and from this day  
4 forward.

5 Just a few administrative things. The presentence report  
6 contains my client's drug history. We certainly want to take  
7 advantage of any drug programs that the BOP has available. We  
8 ask the Court's recommendation in that. And then there's -- as  
9 far as where he is going to be housed, there are some other  
10 parts of the presentence report that are probably going to  
11 dictate that, but we ask, because of the family ties here, that  
12 he be housed as close as possible to his parents, Your Honor.

13 With that, we just ask that the Court consider the 3553  
14 factors and give a sentence that is not greater than necessary  
15 to accomplish the goals in 3553, Your Honor.

16 **THE COURT:** All right. Thank you, Mr. Guthrie.  
17 Having considered the advisory guideline calculations along  
18 with other sentencing factors found in 3553(a), it is the  
19 judgment of the Court that Roderick Edwards is hereby committed  
20 to the custody of the Bureau of Prisons for a term of 223  
21 months as to Count 1 of the indictment. Said term of  
22 imprisonment is to be served consecutively to the supervised  
23 release revocation imprisonment term.

24 Let me -- there was a conference held at the bench  
25 regarding the waiver of the guideline amendments. If you want



1 me to take that into consideration, then we need to go ahead  
2 and make a record on that before I go forward any more. It has  
3 been announced by the parties and the record needs to reflect  
4 that there are pending and approved retroactive guideline  
5 amendments as to the quantity scale which would reduce the  
6 total offense level in this case by two points. Is that  
7 correct, Mr. Meynardie?

8 **MR. MEYNARDIE:** That's correct, Your Honor.

9 **THE COURT:** But -- and the Court is willing, at the  
10 request of the parties, to do this now if the defendant will  
11 waive any right to proceed with that once the guideline  
12 amendments become effective, which would be after December --  
13 November 1st of 2015. Now, what kind of record do you want to  
14 make on this, Mr. Meynardie?

15 **MR. MEYNARDIE:** I think as long as the defendant  
16 acknowledges that he is getting the benefit of that now and is  
17 not entitled to it again later, that would be sufficient.

18 **THE COURT:** All right. Mr. Guthrie, is that what  
19 your client wishes to do?

20 **MR. GUTHRIE:** Yes, Your Honor. We brought that up in  
21 the sentencing memorandum. As to that specific objection,  
22 obviously if they change it between now and 2015 and make it  
23 three levels or four levels, then that is something different.  
24 But as to the two levels, we certainly waive any subsequent  
25 motions that would be made on that. We understand that the



1 guidelines coming into effect will adjust the quantity table --

2 **THE COURT:** Either he's waiving it or he's not.

3 **MR. GUTHRIE:** He is waiving it for the two levels.

4 **THE COURT:** He's waiving it forever or he's not. I'm  
5 willing to accept that and do it now if he waives his right to  
6 ever come back before this Court for any further reduction. If  
7 he doesn't do that, then I'm not willing to accept it. If he  
8 waives it, he takes his chances with the two levels and we go  
9 on, or he doesn't waive it at all. You need to talk to him  
10 about it and make sure he understands. What you brought up  
11 about if they reduce it more, well, nobody can predict the  
12 future. And the other flip side of it is that Congress may  
13 object to it between now and November 1st, and it may not  
14 become -- there may not be any reduction at all. So either you  
15 waive it or you don't. There needs to be a decision now one  
16 way or the other.

17 **MR. GUTHRIE:** Yes, sir. May we talk with --

18 **THE COURT:** You may talk with your client, yes.

19 **MR. GUTHRIE:** Thank you.

20 **(MR. GUTHRIE CONFERS WITH DEFENDANT.)**

21 **(BENCH CONFERENCE OFF THE RECORD)**

22 **MR. GUTHRIE:** Your Honor, I have discussed the waiver  
23 pertaining to the guidelines concerning the quantities, and my  
24 client does wish to waive now and forever any further  
25 calculations as to that particular guideline that is ostensibly

1 being changed by the Sentencing Commission, Your Honor.

2 **THE COURT:** Do you understand that, Mr. Edwards, that  
3 you are asking, or your attorney is asking to take advantage of  
4 a possible and probable two-level reduction in your total  
5 offense level? You are asking that the Court give you credit  
6 for that now, and that you are forever waiving any right that  
7 you would have to come back and request any additional  
8 reduction because of a guideline reduction by the Sentencing  
9 Commission. Do you understand what I'm saying?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Okay. Once you -- I'm going to give you  
12 the benefit of these two points today, but you can't come back  
13 and ask for it again or for any other reduction regarding the  
14 quantity, drug quantity table. Do you understand that?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** Anything further the government wishes to  
17 put on the record?

18 **MR. MEYNARDIE:** No, Your Honor. I think I said the  
19 lower 25 percent recommendation.

20 **THE COURT:** Yes, you did. Let me go back and  
21 restate. The guideline provisions would be reduced to -- it  
22 would be a total offense level of 32.

23 **PROBATION OFFICER:** 33, Your Honor.

24 **THE COURT:** I'm sorry, 33. Thank you, Mr. Alexis.  
25 And a criminal history category of III. The guideline range



1 would be 168 to 210. And all the other provisions would remain  
2 the same.

3 **PROBATION OFFICER:** Your Honor, the fine range would  
4 change.

5 **THE COURT:** What is the fine range?

6 **PROBATION OFFICER:** The lower end of the fine range  
7 would be \$17,500.

8 **THE COURT:** Everything else would be the same?

9 **PROBATION OFFICER:** And the other fine range would be  
10 still \$10 million.

11 **THE COURT:** The fine range would be changed from  
12 \$17,500 to \$10 million. Anything further either side wants to  
13 put on the record regarding this waiver?

14 **MR. MEYNARDIE:** No, Your Honor.

15 **MR. GUTHRIE:** No, Your Honor.

16 **THE COURT:** Let's go back. Having considered the  
17 advisory guideline calculations, along with other sentencing  
18 factors found at 18 U.S.C., Section 3553(a), it is the judgment  
19 of the Court that the defendant, Roderick Edwards, is hereby  
20 committed to the custody of the Bureau of Prisons for a term of  
21 203 months as to Count 1 of the indictment. Said term of  
22 imprisonment is to be served consecutively to the supervised  
23 release revocation imprisonment term that the defendant is  
24 currently serving in document number 2:09cr22-KS-MTP-001.

25 Based on the minimum and maximum of the guideline



1 sentencing range exceeding 24 months, as dictated by 18 U.S.C.  
2 3553(c)(1), the Court is required to state in open court the  
3 reasons for imposing the sentence as to this particular point  
4 in the range. The Court has considered this defendant's  
5 history, has considered the gravity of this offense, the fact  
6 that he was on supervision, the fact that this was not a low  
7 level offense, that he was a leader and organizer, that he was  
8 given the advantage of a reduced sentence and other grace and  
9 mercy several years ago when he was originally sentenced. The  
10 Court finds that the sentence is appropriate in this case and  
11 that the 203 months is the appropriate sentence.

12 The Court is also imposing the sentence in the -- I'm  
13 sorry. I'm going to go back and follow the government's  
14 recommendation. I'm going to restate the sentence. It's going  
15 to be 178 months, giving him the benefit of the lower  
16 25 percent recommendation, 178 months. The calculations have  
17 gotten kind of muddled up here, but I'm going to restate that  
18 as 178 months, to be served consecutively with the revocation  
19 in 2:09cr22.

20 It is further ordered that the defendant shall pay a fine  
21 in the amount of \$17,500. The payment of the fine shall begin  
22 while the defendant is incarcerated. Upon release from  
23 custody, any unpaid balance shall be paid at a rate of at least  
24 \$175 per month, beginning 30 days after release from  
25 confinement. Said fine is a departure from the applicable

1 guideline range and is based upon the defendant's ability to  
2 pay. Yes, sir?

3 **PROBATION OFFICER:** Your Honor, it's not a departure.

4 **THE COURT:** I'm sorry. Thank you. There's no  
5 interest on the fine, based on the defendant's ability to pay.  
6 Upon release from imprisonment, the defendant shall be placed  
7 on supervision for a term of seven years, which is also a  
8 departure from the guideline range, because the Court feels  
9 that this man needs an extended period of supervision. If he  
10 is appropriately conducting himself, that period may be  
11 shortened in due course.

12 Within 72 hours of release from the custody of the Bureau  
13 of Prisons, the defendant shall report to the probation office  
14 in the district to which he is released. While on supervised  
15 release, the defendant shall comply with the mandatory and  
16 standard conditions which are listed on the judgment and  
17 commitment order and shall not possess a firearm.

18 In addition, the following special conditions are imposed:  
19 First, the defendant shall provide the probation office with  
20 access to any requested financial information.

21 Secondly, the defendant shall not incur any new credit  
22 charges or open any additional lines of credit without the  
23 approval of the probation office, unless the defendant is in  
24 compliance with the installment payment schedule.

25 Three, the defendant shall participate in a program of



1 testing and/or treatment for alcohol or drug abuse as directed  
2 by the probation office. If enrolled in an alcohol or drug  
3 treatment program, the defendant shall abstain from consuming  
4 alcoholic beverages during the treatment and shall continue  
5 abstaining for the remaining period of supervision. The  
6 defendant shall contribute to the cost of the treatment in  
7 accordance with the probation service co-payment policy.

8 Fourth, the defendant shall not possess, ingest or  
9 otherwise use a synthetic cannabinoid.

10 Five, the defendant shall not possess, ingest or otherwise  
11 use a synthetic narcotic unless prescribed by a licensed  
12 medical practitioner.

13 Six, the defendant shall submit his person, property,  
14 house, residence, vehicle, papers or office to a search  
15 conducted by a United States Probation Officer. Failure to  
16 submit to a search may be grounds for revocation of release.  
17 The defendant shall warn any other occupants that the premises  
18 may be subject to searches pursuant to this condition. An  
19 officer may conduct a search pursuant to this condition only  
20 when reasonable suspicion exists that the defendant has  
21 violated a condition of his supervision and that the areas to  
22 be searched contain evidence of this violation. Any search  
23 must be conducted at a reasonable time and in a reasonable  
24 manner.

25 Seven, the defendant shall abstain from the use of alcohol



1 or illegal drugs.

2 Eight, the defendant shall not use any mood-altering  
3 substances, including prescribed medication, without permission  
4 from the probation officer.

5 Nine, the defendant shall participate in and complete any  
6 reentry or similar program operated by the court in the  
7 district to which the defendant is released at the discretion  
8 of the probation officer.

9 It is further ordered that the defendant pay a special  
10 assessment of \$100 which is due immediately. The Court  
11 recommends designation to an institution closest to the  
12 defendant's home for which he is eligible and that the  
13 defendant participate in the Bureau of Prisons 500-hour drug  
14 treatment program if he is eligible. The defendant is remanded  
15 to the custody of the Marshals Service to await designation to  
16 the Bureau of Prisons.

17 Any questions about the sentence from the government, Mr.  
18 Meynardie?

19 **MR. MEYNARDIE:** No, Your Honor. We do move to  
20 dismiss the remaining counts.

21 **THE COURT:** That order will be entered dismissing the  
22 remaining counts. Any questions, Mr. Guthrie?

23 **MR. GUTHRIE:** No, Your Honor.

24 **THE COURT:** Mr. Edwards, I just am at a real loss for  
25 words to say. I looked at you back in 2010, that is four years

1 ago, and I looked at you as a young man with a great deal of  
2 promise. The reason I gave you the break, which was a  
3 significant variance as to your recommended sentence, because I  
4 said, this young man has got an intact family that loves him  
5 and has reared him properly and taught him, and you had an  
6 opportunity for further educational attainment. I said that in  
7 the sentencing order, that you -- you know, you may have said  
8 it, that you wanted to go to college or finish college and all  
9 these things. And I looked at you and said, this man deserves  
10 a break, and I believe he is worthy of it. And I did. I did  
11 my job, but I also took a chance on you.

12 And you got out, and just as soon as you got out, or  
13 shortly thereafter, you were back dealing drugs, and not just  
14 dealing drugs but dealing them at a larger level. You were an  
15 organizer and a leader, and what's even worse, you corrupted  
16 other people. I know personally about some of these other  
17 people that were working for you, and that they were -- they  
18 had certainly had the potential that you had for good, but they  
19 were corrupted by you. They were organized and recruited and  
20 put in the business, back in the business of distributing  
21 drugs.

22 You had advantages, and it breaks my heart for your  
23 parents, not for you, because you are getting certainly the  
24 sentence you deserve, but it breaks my heart for your parents.  
25 I have seen thousands, thousands of parents before me, Please



1 don't take my son away, please don't take my daughter away, he  
2 got corrupted by the world. I think your mother used the term  
3 very eloquently, you were stolen by the world. And I  
4 understand what she's talking about. She's talking about the  
5 world, the evil that exists in the world, that's always existed  
6 in the world since the fall, original fall of man, and that you  
7 bought that evil hook, line and sinker.

8 I hope and pray, Mr. Edwards, that your mother and your  
9 father are reading you right and your lawyer is reading you  
10 right. He has very passionately -- all three of them have  
11 spoken very passionately spoken on your behalf that you are a  
12 changed man. Only you know that. Only you know that. But I  
13 hope and pray that you will take this time, that you will make  
14 the most of it, finish college, do the things that you can do  
15 for yourself, and do all you can to make up to your mom and dad  
16 the disappointment that you have been by getting into this  
17 trouble, because it breaks the heart of a parent and it breaks  
18 the heart of a judge to have to send somebody away for  
19 something like this. Anything further from either side?

20 **MR. MEYNARDIE:** No, Your Honor.

21 **THE COURT:** This case is concluded.

22 (HEARING CONCLUDED)

23

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1  
2  
3 CERTIFICATE OF COURT REPORTER  
4

5 I, Teri B. Norton, RMR, FCRR, RDR, Official Court  
6 Reporter for the United States District Court for the Southern  
7 District of Mississippi, appointed pursuant to the provisions  
8 of Title 28, United States Code, Section 753, do hereby certify  
9 that the foregoing is a correct transcript of the proceedings  
10 reported by me using the stenotype reporting method in  
11 conjunction with computer-aided transcription, and that same is  
12 a true and correct transcript to the best of my ability and  
13 understanding.

14 I further certify that the transcript fees and format  
15 comply with those prescribed by the Court and the Judicial  
16 Conference of the United States.

17  
18  
19  
20 S/ *Teri B. Norton*  
21 TERI B. NORTON, RMR, FCRR, RDR  
22 OFFICIAL COURT REPORTER  
23  
24  
25